

1 AN ACT relating to the investigation of fire related crimes.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.310 is amended to read as follows:

4 As used in KRS 15.310~~[15.315]~~ to 15.510, 15.990, and 15.992, unless the context
5 otherwise requires:

6 (1) "Basic training course" means the peace officer or court security officer basic
7 training course provided by the Department of Criminal Justice Training or a course
8 approved and recognized by the Kentucky Law Enforcement Council;

9 (2) "Certified court security officer" means a court security officer who is certified
10 under KRS 15.380 to 15.404;

11 (3) **"Certified fire investigator" means a fire investigator as defined in Section 11 of**
12 **this Act, who is also certified under KRS 15.380 to 15.404;**

13 **(4)** "Certified peace officer" means a peace officer who is certified under KRS 15.380
14 to 15.404;

15 ~~**(5)**~~~~(4)~~ "Certification" means the act by the council of issuing certification to a peace
16 officer or court security officer who successfully completes the training
17 requirements pursuant to KRS 15.404 and the requirements set forth within this
18 chapter;

19 ~~**(6)**~~~~(5)~~ "Council" means the Kentucky Law Enforcement Council established by KRS
20 15.310~~[15.315]~~ to 15.510, 15.990, and 15.992;

21 ~~**(7)**~~~~(6)~~ "Court security officer" means a person required to be certified under KRS
22 15.380(1)(c) and who is charged with the duties set out in KRS 70.280;

23 ~~**(8)**~~~~(7)~~ "Department" means the Department of Criminal Justice Training of the
24 Justice and Public Safety Cabinet;

25 ~~**(9)**~~~~(8)~~ **"Fire investigator" has the same meaning as in Section 11 of this Act;**

26 **(10)** "Law enforcement officer" means a member of a lawfully organized police unit or
27 police force of county, city or metropolitan government who is responsible for the

1 detection of crime and the enforcement of the general criminal laws of the state, as
2 well as sheriffs, sworn deputy sheriffs, campus police officers, law enforcement
3 support personnel, public airport authority security officers, other public and federal
4 peace officers responsible for law enforcement, and special local peace officers
5 licensed pursuant to KRS 61.360;

6 ~~(11)~~~~(9)~~ "Peace officer" means a person defined in KRS 446.010;

7 ~~(12)~~~~(10)~~ "Secretary" means the secretary of the Justice and Public Safety Cabinet; and

8 ~~(13)~~~~(11)~~ "Validated job task analysis" means the minimum entry level qualifications
9 and training requirements for peace officers in the Commonwealth based upon an
10 actual survey and study of police officer duties and responsibilities conducted by an
11 entity recognized by the Kentucky Law Enforcement Council as being competent to
12 conduct such a study.

13 ➔Section 2. KRS 15.334 is amended to read as follows:

14 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
15 to be taught to all students attending a law enforcement basic training course that
16 include but are not limited to:

17 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
18 elderly, including the use of multidisciplinary teams in the investigation and
19 prosecution of crimes against the elderly;

20 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
21 in KRS 620.020, child physical and sexual abuse, and rape; child
22 development; the effects of abuse and crime on adult and child victims,
23 including the impact of abuse and violence on child development; legal
24 remedies for protection; lethality and risk issues; profiles of offenders and
25 offender treatment; model protocols for addressing domestic violence, rape,
26 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
27 available community resources and victim services; and reporting

- 1 requirements. This training shall be developed in consultation with legal,
2 victim services, victim advocacy, and mental health professionals with
3 expertise in domestic violence, child abuse, and rape. Training in recognizing
4 pediatric abusive head trauma may be designed in collaboration with
5 organizations and agencies that specialize in the prevention and recognition of
6 pediatric abusive head trauma approved by the secretary of the Cabinet for
7 Health and Family Services;
- 8 (c) Human immunodeficiency virus infection and acquired immunodeficiency
9 virus syndrome;
- 10 (d) Identification and investigation of, responding to, and reporting bias-related
11 crime, victimization, or intimidation that is a result of or reasonably related to
12 race, color, religion, sex, or national origin;
- 13 (e) The characteristics and dynamics of human trafficking, state and federal laws
14 relating to human trafficking, the investigation of cases involving human
15 trafficking, including but not limited to screening for human trafficking, and
16 resources for assistance to the victims of human trafficking; and
- 17 (f) Beginning January 1, 2017, the council shall require that a law enforcement
18 basic training course include at least eight (8) hours of training relevant to
19 sexual assault.
- 20 (2) (a) The council shall develop and approve mandatory professional development
21 training courses to be presented to all certified peace officers. A mandatory
22 professional development training course shall be first taken by a certified
23 peace officer in the training year following its approval by the council and
24 biennially thereafter. A certified peace officer shall be required to take these
25 courses no more than two (2) times in eight (8) years.
- 26 (b) Beginning January 1, 2011, the council shall require that one and one-half
27 (1.5) hours of professional development covering the recognition and

1 prevention of pediatric abusive head trauma be included in the curriculum of
2 all mandatory professional development training courses such that all officers
3 shall receive this training at least once by December 31, 2013. The one and
4 one-half (1.5) hours required under this section shall be included in the current
5 number of required continuing education hours.

6 (c) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual
7 assault investigation training course. By January 1, 2019, agencies shall have
8 one (1) or more officers trained in this curriculum, as follows:

- 9 1. Agencies with five (5) or fewer officers shall have at least one (1) officer
10 trained in sexual assault investigation;
- 11 2. Agencies with more than five (5) officers but fewer than thirty (30)
12 officers shall have at least two (2) officers trained in sexual assault
13 investigation; and
- 14 3. Agencies with thirty (30) or more officers shall have at least four (4)
15 officers trained in sexual assault investigation.

16 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
17 domestic violence and abuse and may do so utilizing currently available technology.
18 All certified peace officers shall be required to complete this training at least once
19 every two (2) years.

20 (4) The council shall promulgate administrative regulations in accordance with KRS
21 Chapter 13A to establish mandatory basic training and professional development
22 training courses.

23 (5) The council shall promulgate administrative regulations in accordance with KRS
24 Chapter 13A to establish a course of training and professional development for
25 fire investigators. The training shall be specifically tailored toward investigating
26 crimes set out in KRS Chapter 513 and other crimes discovered in the course of
27 these investigations.

1 **(6)** The council shall make an annual report by December 31 each year to the
2 Legislative Research Commission that details the subjects and content of mandatory
3 professional development training courses established during the past year and the
4 subjects under consideration for future mandatory training.

5 ➔Section 3. KRS 15.380 is amended to read as follows:

- 6 (1) The following officers employed or appointed as full-time, part-time, or auxiliary
7 officers, whether paid or unpaid, shall be certified:
- 8 (a) Department of Kentucky State Police officers, but for the commissioner of the
9 Department of Kentucky State Police;
 - 10 (b) City, county, and urban-county police officers;
 - 11 (c) Court security officers and deputy sheriffs, except those identified in KRS
12 70.045 and 70.263(3);
 - 13 (d) State or public university police officers appointed pursuant to KRS 164.950;
 - 14 (e) School security officers employed by local boards of education who are
15 special law enforcement officers appointed under KRS 61.902;
 - 16 (f) Airport safety and security officers appointed under KRS 183.880;
 - 17 (g) Department of Alcoholic Beverage Control investigators appointed under
18 KRS 241.090;
 - 19 (h) Division of Insurance Fraud Investigation investigators appointed under KRS
20 304.47-040;
 - 21 **(i) Fire investigators appointed under Section 11 of this Act;** and
22 **(j)(i)** County detectives appointed in a county containing a consolidated local
23 government with the power of arrest in the county and the right to execute
24 process statewide in accordance with KRS 69.360.
 - 25 (2) The requirements of KRS 15.380 to 15.404 for certification may apply to all state
26 peace officers employed pursuant to KRS Chapter 18A and shall, if adopted, be
27 incorporated by the Personnel Cabinet for job specifications.

- 1 (3) Additional training in excess of the standards set forth in KRS 15.380 to 15.404 for
2 all peace officers possessing arrest powers who have specialized law enforcement
3 responsibilities shall be the responsibility of the employing agency.
- 4 (4) The following officers may, upon request of the employing agency, be certified by
5 the council:
- 6 (a) Deputy coroners;
 - 7 (b) Deputy constables;
 - 8 (c) Deputy jailers;
 - 9 (d) Deputy sheriffs under KRS 70.045 and 70.263(3);
 - 10 (e) Officers appointed under KRS 61.360;
 - 11 (f) Officers appointed under KRS 61.902, except those who are school security
12 officers employed by local boards of education;
 - 13 (g) Private security officers;
 - 14 (h) Employees of a correctional services division created pursuant to KRS
15 67A.028 and employees of a metropolitan correctional services department
16 created pursuant to KRS 67B.010 to 67B.080; and
 - 17 (i) Investigators employed by the Department of Charitable Gaming in
18 accordance with KRS 238.510; and
 - 19 (j) Commonwealth detectives employed under KRS 69.110 and county detectives
20 employed under KRS 69.360.
- 21 (5) The following officers shall be exempted from the certification requirements but
22 may upon their request be certified by the council:
- 23 (a) Sheriffs;
 - 24 (b) Coroners;
 - 25 (c) Constables;
 - 26 (d) Jailers;
 - 27 (e) Kentucky Horse Racing Commission security officers employed under KRS

1 230.240; and

2 (f) Commissioner of the State Police.

3 (6) Federal peace officers cannot be certified under KRS 15.380 to 15.404.

4 ➔SECTION 4. A NEW SECTION OF KRS 15.380 TO 15.404 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) A person certified as a fire investigator under KRS 15.380 to 15.404 shall, at the
7 time of being certified, meet the following minimum qualifications:

8 (a) Be a citizen of the United States;

9 (b) Be at least twenty-one (21) years of age;

10 (c) 1. Be a high school graduate, regardless of whether or not the school is
11 accredited or certified by a governing body, provided that the
12 education received met the attendance and curriculum standards of
13 Kentucky law at the time of graduation, as determined by the
14 Kentucky Department of Education; or

15 2. Possess a high school diploma or a High School Equivalency
16 Diploma;

17 (d) Possess a valid license to operate a motor vehicle;

18 (e) Not have been convicted of any felony offense;

19 (f) Not be prohibited by federal or state law from possessing a firearm;

20 (g) Have received and read the Kentucky Law Enforcement Officers Code of
21 Ethics, as established by the council;

22 (h) Have not received a dishonorable discharge, a bad conduct discharge, or
23 general discharge under other than honorable conditions if he or she served
24 in any branch of the Armed Forces of the United States;

25 (i) Have passed a drug screening test established or approved by the council by
26 administrative regulation. A person shall be deemed to have passed a drug
27 screening test if the results of the test are negative for the use of an illegal

- 1 controlled substance or prescription drug abuse. Any agency that
2 administers its own test that meets or exceeds this standard shall certify
3 passing test results to the council, which shall accept them as complying
4 with KRS 15.380 to 15.404;
- 5 (j) Have undergone a background investigation established or approved by the
6 council by administrative regulation to determine the suitability for the
7 position of a fire investigator. If the employing agency has established its
8 own background investigation that meets or exceeds the standards of the
9 council, as set forth by administrative regulation, the agency shall conduct
10 the background investigation and shall certify background investigation
11 results to the council, which shall accept them as complying with KRS
12 15.380 to 15.404;
- 13 (k) Have been interviewed by the employing agency;
- 14 (l) Have taken a psychological suitability screening administered or approved
15 by the council by administrative regulation to determine the person's
16 suitability to perform fire investigator duties; and
- 17 (m) Have taken a polygraph examination administered or approved by the
18 council by administrative regulation to determine his or her suitability to
19 perform fire investigator duties. Any agency that administers its own
20 polygraph examination as approved by the council shall certify the results
21 that indicate whether a person is suitable for employment as a fire
22 investigator to the council, which shall accept them as complying with KRS
23 15.380 to 15.404.
- 24 (2) A fire investigator who has previously attended law enforcement basic training
25 and met the certification requirements of KRS 15.380 and 15.382 shall not be
26 required to meet the requirements of this section to be appointed a fire
27 investigator, but shall meet the requirements of 15.386(3).

1 ➔ Section 5. KRS 15.383 is amended to read as follows:

- 2 (1) In order to maintain his or her certification ~~[as a peace officer]~~, each certified peace
3 officer or certified fire investigator shall annually meet the marksmanship
4 qualification requirement for a retired peace officer as specified in KRS 237.140.
5 Each law enforcement agency whose officers are required to meet the requirements
6 of this subsection shall retain a record of each of its officers having met the annual
7 marksmanship qualification. These records shall be made available upon request to
8 the Kentucky Law Enforcement Council and to the Justice and Public Safety
9 Cabinet in order to carry out its responsibilities under KRS 15.330 and 15.450.
- 10 (2) Any law enforcement agency employing a certified peace officer may require the
11 certified peace officer to meet a marksmanship qualification requirement which is
12 in excess of that specified in KRS 237.140. Failure of a certified peace officer to
13 meet the increased marksmanship qualification requirement specified by his or her
14 employing or appointing agency shall not affect the certification of the officer, but
15 may subject the officer to discipline by the agency, including suspension or
16 dismissal of the officer from the agency.

17 ➔ SECTION 6. A NEW SECTION OF KRS 15.380 TO 15.404 IS CREATED TO
18 READ AS FOLLOWS:

19 *The certification of a fire investigator may, after a hearing held in accordance with*
20 *KRS Chapter 13B, be revoked by the council for one (1) or more of the following*
21 *reasons:*

22 *(1) Failure to meet or maintain training requirements;*

23 *(2) Willful falsification of information to obtain or maintain certified status;*

24 *(3) Certification was the result of an administrative error;*

25 *(4) A plea of guilty to, conviction of, or entering an Alford plea to any felony;*

26 *(5) Prohibition by federal or state law from possessing a firearm; or*

27 *(6) Receipt of dishonorable discharge, a bad conduct discharge, or general discharge*

1 under other than honorable conditions from any branch of the Armed Forces of
2 the United States.

3 ➔SECTION 7. A NEW SECTION OF KRS 15.380 TO 15.404 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) A fire investigator employed or appointed after January 1, 2019, shall satisfy the
6 basic training requirements for certification if he or she successfully completes
7 fire investigator training developed and approved by the Kentucky Law
8 Enforcement Council of at least two hundred seventy-five (275) hours.

9 (2) A fire investigator employed or appointed after January 1, 2019, shall
10 successfully complete forty (40) hours of biennial in-service training that has
11 been certified or recognized by the Kentucky Law Enforcement Council, and that
12 is appropriate to the fire investigator's responsibilities.

13 (3) In the event of extenuating circumstances beyond the control of a certified fire
14 investigator that prevent the fire investigator from completing the basic or in-
15 service training within the time specified in subsections (1) and (2) of this section,
16 the commissioner of the department or his or her designee may grant the fire
17 investigator an extension of time, not to exceed one hundred eighty (180) days in
18 which to complete the training.

19 (4) Any fire investigator who fails to successfully complete basic training within the
20 specified time periods, including extensions, shall lose his or her fire investigator
21 powers and his or her precertification status shall lapse. Any fire investigator
22 who fails to successfully complete in-service training within the specified time
23 periods, including extensions, shall lose his or her fire investigator powers and
24 his or her certification status shall be changed to training deficiency status.
25 When a fire security officer is deficient in required training, the commissioner of
26 the department or his or her designee shall notify the council, which shall notify
27 the fire investigator and his or her agency.

1 (5) A certified fire investigator who has lost his or her fire investigator powers due
2 solely to his or her failure to meet the in-service training requirements of this
3 section may regain his or her certification status and fire investigator powers
4 upon successful completion of the training deficiency.

5 ➔SECTION 8. A NEW SECTION OF KRS 15.380 TO 15.404 IS CREATED TO
6 READ AS FOLLOWS:

7 The following certification categories shall exist for certified fire investigators:

8 (1) "Precertification status" means that the certified fire investigator is currently
9 employed or appointed by an agency and meets or exceeds all those minimum
10 qualifications set forth in Section 4 of this Act, but has not successfully completed
11 the training course provided in Section 7 of this Act. Upon the council's
12 verification that the minimum qualifications have been met, the fire investigator
13 shall have fire investigator powers as authorized under the statute under which
14 he or she was appointed or employed. If a fire investigator fails to successfully
15 complete the training course provided in Section 7 of this Act within one (1) year
16 of employment, his or her fire investigator power shall automatically terminate;

17 (2) "Certification status" means that unless the certification is in revoked status or
18 inactive status, the certified fire investigator is currently employed or appointed
19 by an agency and has met all training requirements. The fire investigator shall
20 have fire investigator powers as authorized under the statute under which he or
21 she was appointed or employed;

22 (3) (a) "Inactive status" means that unless the certification is in revoked status:

23 1. The person has been separated on or after January 1, 2019, from the
24 agency by which he or she was employed or appointed and has no
25 peace officer or fire investigator powers;

26 2. The person is on military active duty for a period exceeding three
27 hundred sixty-five (365) days;

1 **(b) The person may remain on inactive status. A person who is on inactive**
2 **status and who returns to a fire investigator position shall have certification**
3 **status restored if he or she has successfully completed the training course**
4 **under, has not committed an act for which his or her certified status may be**
5 **revoked pursuant to, and successfully completes an in-service training**
6 **course as prescribed in an administrative regulation promulgated by the**
7 **Kentucky Law Enforcement Council; or**

8 **(c) A person returning from inactive to active certification as a fire investigator**
9 **after January 1, 2019, under KRS 15.380 to 15.404 shall meet the following**
10 **minimum qualifications:**

- 11 **1. Be a citizen of the United States;**
- 12 **2. Possess a valid license to operate a motor vehicle;**
- 13 **3. Be fingerprinted for a criminal background check;**
- 14 **4. Not have been convicted of any felony offense;**
- 15 **5. Not be prohibited by federal or state law from possessing a firearm;**
- 16 **6. Have received and read the Kentucky Law Enforcement Officers Code**
17 **of Ethics as established by the council;**
- 18 **7. Have not received a dishonorable discharge, bad conduct discharge,**
19 **or general discharge under other than honorable conditions, if having**
20 **served in any branch of the Armed Forces of the United States;**
- 21 **8. Have been interviewed by the employing agency; and**
- 22 **9. Not have had certification as a peace officer permanently revoked in**
23 **another state;**

24 **(4) "Training deficiency status" means that unless the certification is in revoked**
25 **status or inactive status, the certified fire investigator is currently employed or**
26 **appointed by an agency and has failed to meet all in-service training**
27 **requirements. The investigator's fire investigator powers shall automatically**

- 1 terminate, and he or she shall not exercise fire investigator powers in the
2 Commonwealth until he or she has corrected the in-service training deficiency;
3 (5) "Revoked status" means that the fire investigator has no fire investigator powers
4 and his or her certification has been revoked by the Kentucky Law Enforcement
5 Council for any one (1) of the following reasons:
6 (a) Failure to meet or maintain training requirements;
7 (b) Willful falsification of information to obtain or maintain certified status;
8 (c) Certification was the result of an administrative error;
9 (d) Plea of guilty to, conviction of, or entering of an Alford plea to any felony;
10 (e) Prohibition by federal or state law from possessing a firearm; or
11 (f) Receipt of a dishonorable discharge, a bad conduct discharge, or general
12 discharge under other than honorable conditions from any branch of the
13 Armed Forces of the United States; and
14 (6) "Denied status" means that a person does not meet the requirements to achieve
15 precertification status or certification status as a fire investigator.
16 The design of a certificate may be changed periodically. When a new certificate is
17 produced, it shall be distributed free of charge to each currently certified fire
18 investigator.
19 ➔Section 9. KRS 15.388 is amended to read as follows:
20 (1) Within five (5) working days of employment or appointment, the chief executive
21 officer of the employing agency, or his designee, shall file a report with the council
22 certifying that the newly employed officer is certified or meets or exceeds the
23 precertification qualifications of KRS 15.382 for peace officers, Section 4 of this
24 Act for fire investigators, or KRS 15.3971 for court security officers.
25 (2) If the person is certified, the council shall continue certified status.
26 (3) If the person is on inactive status, the council shall upgrade to certified status unless
27 the certification is revoked or denied as provided by KRS 15.380 to 15.404.

- 1 (4) If the person is not certified and not on inactive status, but has successfully
2 completed an applicable basic training course approved and recognized by the
3 council, the council shall designate the person as being in certified status unless the
4 certification is revoked or denied as provided by KRS 15.380 to 15.404.
- 5 (5) If the person is not certified and not on inactive status, and has not successfully
6 completed an applicable basic training course approved and recognized by the
7 council, the council shall designate the person as being in precertification status.
- 8 (6) A person who is in precertification status shall, upon successful completion of the
9 required basic training, be certified unless he has committed an act that would result
10 in revocation of his certificate in which case he shall be denied certification.
- 11 (7) A person who is denied certified status under this section shall have the same right
12 of appeal as a person who has been revoked under KRS 15.380 to 15.404.
- 13 (8) If the certified peace officer has successfully completed the basic training required
14 by KRS 15.404 and transfers from a peace officer or court security officer position
15 from a current employer to a peace officer position for another employer, and both
16 employers have, at least ten (10) working days prior to the effective date of the
17 transfer, notified the council in writing of the transfer, the council shall maintain the
18 officer in certified status.
- 19 (9) If the certified court security officer has successfully completed the basic training
20 required by KRS 15.3975 and transfers from a court security officer position from a
21 current employer to a court security officer position for another employer, and both
22 employers have, at least ten (10) working days prior to the effective date of the
23 transfer, notified the council in writing of the transfer, the council shall maintain the
24 officer in certified status.
- 25 (10) If the certified fire investigator has successfully completed the basic training
26 required by Section 7 of this Act and transfers from a fire investigator position
27 for a current employer to a fire investigator position for another employer, and

1 both employers have notified the council of the transfer in writing at least ten
2 (10) working days prior to the effective date of the transfer, then the council shall
3 maintain the fire investigator in certified status.

4 (11) A certified court security officer who has met the requirements of KRS 15.3971
5 shall not transfer from a court security officer position to a peace officer position
6 unless the certified court security officer meets all the requirements of a certified
7 peace officer under KRS 15.382 and 15.404(1). If the certified court security officer
8 has met the minimum qualifications of KRS 15.382, successfully completed the
9 basic training required for certified peace officers under KRS 15.404(1), and
10 transfers from a court security officer position from a current employer to a peace
11 officer position for another employer, and both employers have, at least ten (10)
12 working days prior to the effective date of the transfer, notified the council in
13 writing of the transfer, the council shall maintain the officer in certified status.

14 (12) A certified fire investigator who has met the requirements of Section 4 of this Act
15 shall not transfer from a fire investigator position to a peace officer position
16 unless the certified fire investigator meets all the requirements of a certified
17 peace officer under KRS 15.382 and 15.404(1). If the certified fire investigator
18 has met the minimum qualifications of KRS 15.382, successfully completed the
19 basic training required for certified peace officers under KRS 15.404(1), and
20 transfers from a fire investigator position for a current employer to a peace
21 officer position for another employer, and both employers have notified the
22 council of the transfer in writing at least ten (10) working days prior to the
23 effective date of the transfer, then the council shall maintain the officer in
24 certified status.

25 ➔Section 10. KRS 15.442 is amended to read as follows:

26 (1) A court security officer or a fire investigator certified pursuant to KRS 15.380 to
27 15.404 shall not be a deputy sheriff.

- 1 (2) A court security officer or a fire investigator certified pursuant to KRS 15.380 to
2 15.404 shall not be eligible for inclusion in the Kentucky Law Enforcement
3 Foundation Program fund.
- 4 (3) The appointment of a court security officer, whether certified or not, by a sheriff
5 shall not affect the ability of the sheriff or certified deputy sheriffs to participate in
6 the Kentucky Law Enforcement Foundation Program fund if all other requirements
7 for participation in the fund under KRS 15.410 to 15.510 have been met. A sheriff
8 or deputy sheriff who is otherwise eligible under KRS 15.410 to 15.510 for
9 participation in the Kentucky Law Enforcement Foundation Program fund shall not
10 be deemed ineligible because of the appointment of a court security officer by the
11 sheriff or by any other body.

12 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO
13 READ AS FOLLOWS:

- 14 (1) "Fire investigator" means a professional firefighter as defined in KRS 95A.210,
15 who has been appointed to be a fire investigator, and has been certified as a fire
16 investigator by the Kentucky Law Enforcement Council.
- 17 (2) The chief of a fire department may appoint a professional firefighter as defined
18 in KRS 95A.210 to be a fire investigator and may revoke the appointment at his
19 or her pleasure. An individual appointed to be a fire investigator shall take an
20 oath to faithfully perform the duties of his or her office, shall affirm that he or
21 she possesses the minimum qualifications under Section 4 of this Act, and shall
22 undergo fire investigator training approved by the Kentucky Law Enforcement
23 Council.
- 24 (3) Upon the Kentucky Law Enforcement Council's verification that the required
25 standards have been met, a fire investigator shall have peace officer powers to
26 investigate crimes set out in KRS Chapter 513 and crimes discovered in the
27 course of these investigations.

1 (4) A fire investigator may exercise his or her powers in a location other than the city
2 or county in which he or she was appointed. These powers may be executed upon
3 the request of:

4 (a) The chief of police, the chief of a fire department, or the chief executive of
5 the city or county in which the fire investigator's services are to be utilized;
6 or

7 (b) A federal agency that has an ongoing investigation in the city or county in
8 which the fire investigator's services are to be utilized.

9 ➔Section 12. KRS 15.382 is amended to read as follows:

10 A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time
11 of becoming certified, meet the following minimum qualifications:

12 (1) Be a citizen of the United States;

13 (2) Be at least twenty-one (21) years of age;

14 (3) (a) Be a high school graduate, regardless of whether the school is accredited or
15 certified by a governing body, provided that the education received met the
16 attendance and curriculum standards of Kentucky law at the time of
17 graduation, as determined by the Kentucky Department of Education; or

18 (b) Possess a High School Equivalency Diploma;

19 (4) Possess a valid license to operate a motor vehicle;

20 (5) Be fingerprinted for a criminal background check;

21 (6) Not have been convicted of any felony;

22 (7) Not be prohibited by federal or state law from possessing a firearm;

23 (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as
24 established by the council;

25 (9) Have not received a dishonorable discharge, bad conduct discharge, or general
26 discharge under other than honorable conditions, if having served in any branch of
27 the Armed Forces of the United States;

- 1 (10) Have passed a medical examination as defined by the council by administrative
2 regulation and provided by a licensed physician, physician assistant, or advanced
3 practice registered nurse to determine if he can perform peace officer duties as
4 determined by a validated job task analysis. However, if the employing agency has
5 its own validated job task analysis, the person shall pass the medical examination,
6 appropriate to the agency's job task analysis, of the employing agency. All agencies
7 shall certify passing medical examination results to the council, which shall accept
8 them as complying with KRS 15.310~~[15.315]~~ to 15.510;
- 9 (11) Have passed a drug screening test administered or approved by the council by
10 administrative regulation. A person shall be deemed to have passed a drug screening
11 test if the results of the test are negative for the use of an illegal controlled
12 substance or prescription drug abuse. Any agency that administers its own test that
13 meets or exceeds this standard shall certify passing test results to the council, which
14 shall accept them as complying with KRS 15.310~~[15.315]~~ to 15.510;
- 15 (12) Have undergone a background investigation established or approved by the council
16 by administrative regulation to determine suitability for the position of a peace
17 officer. If the employing agency has established its own background investigation
18 that meets or exceeds the standards of the council, as set forth by administrative
19 regulation, the agency shall conduct the background investigation and shall certify
20 background investigation results to the council, which shall accept them as
21 complying with KRS 15.310~~[15.315]~~ to 15.510;
- 22 (13) Have been interviewed by the employing agency;
- 23 (14) Not have had certification as a peace officer permanently revoked in another state;
- 24 (15) Have taken a psychological suitability screening administered or approved by the
25 council by administrative regulation to determine the person's suitability to perform
26 peace officer duties as determined by a council validated job task analysis.
27 However, if the employing agency has its own validated job task analysis, the

- 1 person shall take that agency's psychological examination, appropriate to the
2 agency's job task analysis. All agencies shall certify psychological examination
3 results to the council, which shall accept them as complying with KRS
4 15.310~~[15.315]~~ to 15.510;
- 5 (16) Have passed a physical agility test administered or approved by the council by
6 administrative regulation to determine his suitability to perform peace officer duties
7 as determined by a council validated job task analysis. However, if the employing
8 agency has its own validated job task analysis, the person shall take the physical
9 agility examination of the employing agency. All agencies shall certify physical
10 agility examination results to the council, which shall accept them as demonstrating
11 compliance with KRS 15.310~~[15.315]~~ to 15.510; and
- 12 (17) Have taken a polygraph examination administered or approved by the council by
13 administrative regulation to determine his suitability to perform peace officer duties.
14 Any agency that administers its own polygraph examination as approved by the
15 council shall certify the results that indicate whether a person is suitable for
16 employment as a peace officer to the council, which shall accept them as complying
17 with KRS 15.310~~[15.315]~~ to 15.510.
- 18 ➔Section 13. This Act takes effect January 1, 2019.